

## **III-H - WIRELESS COMMUNICATIONS FACILITIES**

### **1 - PURPOSE AND AUTHORITY**

The purpose of these regulations is to assure that wireless communication facilities may be provided by special permit with minimal harm to the public health, safety and general welfare. More specifically, it is desired to minimize the overall number and height of such facilities to only what is essential in order to provide for the rendition of wireless communication services within the Town, and to promote the shared use of such facilities in order to reduce the number of new facilities.

These regulations are specifically permitted under Title 47 (Telegraphs, Telephones and Radiotelegraphs) of the United States Code, Chapter 5 (Wire or Radio Communication), Subchapter III (Special Provisions Relating to Radio), Part I (General Provisions), Section 332 (Mobile Services), (c) [Regulatory treatment of mobile services], (7) [Preservation of local zoning authority].

### **2 - GENERAL REQUIREMENTS**

**Special Permit Required.** No Free-Standing WCF or Building-Mounted WCF may be erected or installed except upon the issuance of a Special Permit by the Planning Board acting as the Special Permit Granting Authority (SPGA) in accordance with Section VI-EE, and subject to the Site Plan Review procedure as set forth in Section VI-DD. The Planning Board shall adopt Rules and Regulations regarding the construction, installation, maintenance and removal of WCFs. Such Rules and Regulations shall include a requirement that the Planning Board employ the services of technical consultants who are expert in the Site Selection and coverage for WCFs, who are expert in the field of RF radiation, who are structural experts having experience in WCF tower design, and who otherwise are sufficiently conversant with wireless industry technology to be able to evaluate any proposal for a WCF. The cost of the services of such consultants shall be borne by the Applicant.

**Federal Requirements.** A WCF monopole tower and its associated structures and accessory equipment shall be located in accordance with the Federal Communication Commission ("FCC") and the Federal Aviation Administration ("FAA") regulations in effect at the time of its construction. The operation of such WCF shall comply with all requirements of these agencies in addition to the requirements of these Bylaws.

### 3 - USE AND INTENSITY RESTRICTIONS

(A) **Location.** Location of any new WCF shall be in a technically suitable space available on an existing communications tower, or on or in an existing building or structure, either as a first installation or as a co-location, within the geographic area that the new WCF site is to serve. The applicant shall include in its application a description of its efforts in this regard, which as a minimum provides information that less visually obtrusive sites have been considered as part of the site selection process for potential sites, such as church steeples, street lights, clock towers, electric transmission towers, water tanks, and rooftops.

(B) **Free-Standing WCF.** Should the applicant desire to locate a new FSWCF, after exhausting all opportunities for location on or in an existing building or structure, or on an existing tower, then the applicant must seek to locate such new FSWCF in areas where it is permitted under this Bylaw.

(C) **Finding.** Before issuing a Special Permit for a free standing WCF the Planning Board must make a finding that all existing or approved WCF facilities cannot technologically accommodate the WCF requested, or evidence has been received that permission to locate on such facilities has been denied by the owner thereof, preferably in a writing, a copy of which has been submitted to the Planning Board.

(D) **Height.** The maximum Height of a Free-Standing WCF Structure shall be 125 feet.

(E) **Setback.** A Free-Standing WCF shall be set back a minimum distance of 125 feet from any property line on the lot on which it is located, and shall not be located closer than 200 feet to any residence or to any structure accessory to such residence. No setback requirements shall apply to Building Mounted WCF's, to Indoor WCF's, to accessory WCF's or to ground mounted WCF's, provided however that the dimensional and intensity requirements of the underlying zoning district shall continue to apply to the building or structure in or on which the WCF is mounted.

### 4 - STANDARDS

(A) **Landscaping and Screening-** Existing on-site vegetation shall be preserved to the maximum extent practicable. WCFs shall be located on the landscape or on a structure in such a manner so as to minimize visibility from abutting streets and residences. Additional landscaping or screening may be required, if necessary to accomplish minimizing visibility from abutting streets and residences while still permitting the WCF to carry out its functions.

(B) **Authorization by Property Owner**- Applicants proposing to construct a WCF on land or structures, including Federal, State or municipally owned land or structures, shall provide evidence of authorization from the owner of such land or structure having the authority to extend such authorization and having control of such land or structures. Such evidence shall include a copy of the lease entered into between the applicant and the owner or Federal, State or Town Agency.

(C) **Fencing** - Fencing shall be provided to control access to and to secure a free standing WCF site. Fencing in residential areas shall not be of barbed or razor wire material.

(D) **Signs** - There shall be no signs, except for announcement signs, “no trespassing” signs and a required sign giving a phone number where the owner of the WCF can be reached on a twenty-four (24) hour, 7 days per week basis. All signs shall conform to the requirements of Section V-H.

(E) **Lighting** - Lighting of the WCF shall be prohibited except as may be required by the Federal Aviation Administration (FAA). Notwithstanding the foregoing, lighting may be permitted to the extent that it is needed for emergencies.

(F) **Parking** - There shall be a minimum of one (1) parking space for each WCF facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.

(G) **Utilities** - All electric and other utility lines servicing a WCF, including network hard wire interconnections from the WCF, shall be via underground lines.

## 5 - EXEMPTIONS

Facilities for the purposes set forth in M.G.L. c40A, Section 3, and the following types of WCF are exempt from the provisions of this Section III-H.

(A) **Amateur Radio Towers** - Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission (FCC), provided that any tower employed is not used or licensed for commercial purposes.

(B) **Household Uses** - A device for customary household use such as a conventional chimney mounted television antenna, or a home satellite dish used in conjunction with a single or two-family dwelling.

(C) **Public Safety** - Towers and antennas used exclusively for non-commercial, public safety purpose by a Town Agency.

## 6 - OPERATIONAL REQUIREMENTS

(A) **Expansion of Use** - Any proposed extension in the height, addition of cells, antennae or panels, construction of a new WCF, or replacement of a WCF, shall be considered to be a change in a material respect of a previously issued Special Permit and approved site plan requiring a new application for an amendment or modification to the Special Permit in the same manner as provided for obtaining initial approval.

(B) **Annual Certification** - Annual certification demonstrating continuing compliance with the standards specified in this Section III-H-4 and the standards of the FCC, FAA and the American National Standards Institute (ANSI), and compliance with required maintenance and any conditions of the Special Permit, shall be filed with the Building Inspector and the Planning Board by the Special Permit holder on or before January 1<sup>st</sup> of each year of operation.

(C) **Unused Facilities** - All obsolete or unused WCF or parts thereof or accessory facilities and structures which have not been used for six (6) months shall be dismantled and removed at the owners expense within thirty (30) days after notification by the Building Inspector.

(D) **Security** - The Planning Board may require as a condition of the issuance of a Special Permit an acceptable form of security to provide a performance guarantee for compliance with the requirements of the WCF Overlay District, to cover the costs needed to evaluate whether the WCF is still being used, and to remove unused facilities, and to restore the area to its original condition. Any amounts remaining from such security will be returned to facility owners after successful removal and restoration.

(E) **Expiration** - Special Permits granted for a WCF shall be limited to a term of five (5) years but not to extend beyond the FCC license period granted to the Applicant. The Applicant may file to renew or extend its Special Permit, but must file for such renewal or extension when seeking a renewal or extension of its FCC license. This will allow periodic review by the Planning Board to evaluate permit conditions reflecting advances in knowledge, experience and technology so that improved technology may be substituted for that initially permitted hereunder.

(F) **Technology** - A WCF monopole shall be designed to accommodate the maximum number of uses technologically practical. WCF equipment shall be downsized to the extent practicable, as technology advances. Such WCF

equipment shall be removed when no longer needed to fulfill the current FCC license requirements.

(G) **New Owner** - All conditions and requirements of the Special Permit issued hereunder, and all requirements of the Planning Board Rules and Regulations regarding WFCs shall be transferred to any new owner of a WCF site.

(Art. 30, Fall ATM, 10/8/98)